

Professional Development Program for Parliamentarians and Staff

Parliament and the Media

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Introduction

Over recent years there has been a growing acceptance that the general public has a right to participate in the free flow of information and to know about what is going on in their community, particularly the workings of government and parliament. As such there has been an expanding call for governance to become more open and transparent. Another incentive for increasing the flow of information within communities has been the realization that an informed society and open and accountable democratic institutions are essential for growth, development and poverty alleviation. Furthermore, governance that is responsive to the needs of all citizens is central to parliamentarians having their mandates renewed by the community.

One of the best ways to achieve transparency and facilitate the flow of information between parliament and the community is via the media; accordingly parliaments need to consider how they can forge a strong professional relationship with the media in order to build an informed society. However, the relationship between the media and parliament is complex and often strained by a lack of media independence, perceived bias or the failure of the press gallery and editors to demarcate between reporting and commentary.

Despite the, often rocky, relationship that exists between these two parties, parliamentarians are slowly accepting that a free and independent media is an essential component of a functioning democracy and necessary for an informed society. An information rich society provides parliamentarians with the feedback they require in order to respond to the needs of citizens, whilst ensuring they pursue a course of action that has taken into account all the negative consequences. In addition to building a strong relationship with the media, parliaments can also champion transparency by making parliament more open, implementing regimes that facilitate public access to information and developing a regulatory environment conducive to a free and independent media.

Audience

This course is intended for parliamentarians, parliamentary advisors and staff, and the media. Participants will gain a better understanding of the relationship between the media and parliament and how that relationship can be strengthened so that both parliament and the media can reach their full potential and meet their responsibilities to their respective constituents.

Aim of the Course

The aim of this course is to introduce participants to the concept of the community's 'right to know', and explain why this is important for transparency, development and poverty alleviation to build an informed society. Furthermore, this course aims to highlight the media's role in facilitating an informed society and the importance to parliament of nurturing a fair and independent media and building a strong professional relationship with the parliamentary press gallery.

Course Content

The course will cover the following six units:

1. Introduction to the 'Right to Know'

Unit One introduces participants to the notion that citizens have a 'right to know' about the workings of their parliament. Furthermore, the reasons why it is vital to good governance and equitable development for there to be an informed society will be outlined.

2. The Relationship between Parliament and the Media

Unit Two highlights the importance of building a good working relationship between parliament and the media. The key to fulfilling their duties to their respective constituencies is to build a strong professional relationship between the parties that is based on mutual respect and recognition that both are essential actors in a working democracy.

3. Constraints and Obstacles to Building a Professional Relationship

Unit Three examines what factors impact the media's or parliamentarians' ability to build a working relationship with each other. It suggests methods for overcoming these constraints and obstacles in order to build a strong professional relationship.

4. Making Parliament Newsworthy

Unit Four examines how, having already established a good working relationship between parliament and the media, it is possible to make the parliamentary process and parliamentary business more newsworthy in order to encourage greater coverage of parliament in the news media.

5. Providing the Legal Framework

Unit Five examines the legal framework that is best suited to developing a free and independent media capable of helping citizens enjoy their 'right to know' and assisting parliament to build an informed society that can provide them with feedback on decisions they have to make.

6. General Principles of Access to Information

Unit Six introduces participants to the notion of access to information the themes canvassed in different pieces of access to information legislation around the world. In addition, this unit outlines initiatives that parliament can undertake in order to become more open and transparent.

Expected Outcomes

It is expected that on completion of the six units participants will:

1. Understand the concept of the community's 'right to know' and the importance of the free flow of information and an informed society for development and poverty alleviation;
2. Appreciate that it is in the interest of parliament to build an informed society so that parliament's decisions are more responsive, better informed and have broader community support;
3. Acknowledge that despite the often rocky relationship, it is vital for parliament to work towards building a strong professional relationship with the parliamentary press gallery as the media is a vital ally in ensuring the free flow of information between parliament and the community and, thus, building an informed society; and
4. Recognize that parliament should work to overcome constraints to its relationship with the media, whilst providing an environment conducive to the creation of a fair, accurate and independent media.

Background Reading

- *Cape Town Principles for an Informed Democracy*
(Parliament and the Media: Securing an Effective Relationship 14-18 April 2002, Cape Town, South Africa)
- *Parliament and the Media: Building an Effective Relationship*
(15-18 February 2000, New Delhi, India)

- Bouchet, Nicolas and Kariithi, Nixon *Parliament and the Media: Building an Informed Society*. World Bank Institute Working Paper; Washington DC, 2003

Unit 1: Introduction to the 'Right to Know'

Learning Objectives Why the right to know matters

After studying this unit you should be able to:

- Explain the concept of the 'right to know';
- Outline the freedoms necessary for the community to enjoy the 'right to know';
- Appreciate the reasons why knowledge and an informed society are vital to good governance and economic development.

Introduction and Overview

This unit will introduce participants to the notion that citizens have a 'right to know' about the function, day-to-day activities, and outcomes of their parliament's responsibilities. But in order for parliament to *be* responsive to the community and to formulate initiatives to respond to their needs, there must be a greater exchange of quality information between the public and parliament. The media often serves as one of the most important actors in facilitating the exchange of quality information and building an informed society.

This module explains the reasons why it is vital to good governance and equitable development for there to be an informed society.

Defining the 'Right to Know'

How many of your neighbors do you think are faced with problems or concerns to which there are real policy or public service solutions? If they could fully comprehend their

'right to know', they might be able to obtain the solutions to fix these problems. The 'right to know' is generally regarded as the right of the general public to participate in the free flow of information and to know about what is going on in their community. It includes the right of the community to be informed about the functions of parliament. People have a 'right to know' about the workings of parliament because its functions, work and decisions touch upon the lives of every member of the community. An informed society is one in which the public are able to participate in the free flow of information and enjoy their 'right to know.'

Freedoms that Facilitate the 'Right to Know'

New knowledge is driven not only by curiosity, but is made possible when certain natural freedoms are established and well publicized. The general public needs certain freedoms in order to be able to exercise their 'right to know'. The freedom of expression and the right to information are particularly important. These freedoms are an essential precondition for an informed society. In addition to these freedoms, a free and robust media is crucial to facilitating the public's enjoyment of the 'right to know.'

Box 1	
Summary UN Declaration of Human Rights	
Article 1:	Humans are born free and equal in dignity and rights.
Article 3:	The right to life, liberty, and security of person.
Article 5:	Freedom from torture or cruel, inhumane treatment or punishment
Article 18:	Freedom of thought, conscience and religion
Article 19:	Freedom of expression and opinion
Article 26:	The right to an education

The freedom of expression, right to information and a free press are enshrined in the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights*. A community needs these universal rights to build an

informed society that understands its 'right to know.' Freedom of expression enables members of the community and parliamentarians to freely ask and respond to inquiries without fear of being unreasonably penalized. The right to information gives members of the public and parliamentarians the right to access the information they need to raise

questions, become more knowledgeable and form opinions about the community they live in and parliament specifically. Finally, a free press helps facilitate the expression of opinions and distribution of information. The freedom of journalists, editors or proprietors to report and comment is an essential precondition to building an informed society.

Benefits of an Informed Society

Having defined the 'right to know' and the freedoms needed to enjoy it; we now turn to the reasons why it is so important to build an informed society. A democratic society should be one in which citizens are exposed to all shades of opinion, irrespective whether it offends or embarrasses some people. This is because the public interest is served through enhanced transparency and by a community that is able to make informed choices.

The more open and transparent a society is the more responsive and adaptable parliaments can be; a parliament that is responsive is better able to meet the needs of citizens. Greater transparency of the budget process, for example, means that a community knows and understands how government resources are being used thereby promoting greater accountability and curbing corruption. Restricting the flow of critical information about parliament and its actions limits citizens' ability to participate in the governance process or choose candidates properly. Democratic accountability assumes that community members know what their parliamentarians are doing, and can reward or punish them through the election process accordingly. The main obstacle to accountability is the unequal access to information that sometimes exists between democratic institutions, such as parliament, and citizens. Ensuring the community can exercise its 'right to know' helps build an informed society, where citizens have access to much of the same information as their representatives.

On the flip side, the greater access the public has to important information the better able they will be to analyze the issues affecting the community. Understanding the

issues enables the community to better articulate their needs to parliament, either via the media, civil society or directly to their parliamentary representatives. Parliamentarians face a great deal of scrutiny with different stakeholders offering analysis, criticism and alternative opinions with respect to the many difficult decisions parliament must make. However, the vibrant debate that comes from having an informed society enables parliament to ensure that it has considered all aspects of the legislation it is contemplating so that it makes the best decision possible. The free flow of information enables parliament to receive the feedback it needs in order to be adaptable and continue making the best decisions possible. Furthermore, the process of including the community in the debate builds public support for parliament's actions.

Economic Development

The increased flow of information between the community and parliament not only assists parliament in being more responsive to the needs of the community, but also aids development. It triggers economic growth by stimulating innovation, increasing efficiency in production by reducing the asymmetry of knowledge in the market place and lowering the risks for citizens when making economic decisions. Innovation is more likely to occur when the information that is necessary to stimulate ideas is present. Greater efficiency comes as a result of such innovation as well as better information flow resulting in people being able to plan for more contingencies. For example, national long-term weather forecasts help farmers decide when and what types of crops to plant. Risks in decision-making are also lowered for citizens as they have more information on which to base their economic decisions. For instance, if parliament passes legislation that would result in improving a stretch of road between a farmer's land and the market, that farmer could consider using his or her land for growing produce that might be more perishable but of higher value as he or she would be able to transport their product to market far quicker. As such, an information rich society promotes investment and economic growth.

Unit 1 Questions

Please answer each of the following questions. If you are taking this course in a group you may then meet to discuss your answers.

1. What is the 'right to know'?
2. What freedoms are essential preconditions to achieving and sustaining an informed society and why?
3. How does having an informed and transparent society benefit parliament?
4. What is the link between open and transparent societies and economic development?
5. Give an example of how the right to know has helped benefit your own life, or the lives of your constituents.

Select Bibliography

Article 19: *Universal Declaration of Human Rights*

Article 19: *International Covenant on Civil and Political Rights*

Halperin, M., Siegle, J., & Weinstein, M. *The Democracy Advantage*. Routledge; New York, 2005: pp. 46 – 52

Isham, J, Kaufmann, D and Pritchett, L. "Civil Liberties, Democracy, and the Performance of Government Projects." *The World Bank Economic Review* 11(2), 1997: pp. 219-242.

Unit 2: The Relationship Between Parliament and the Media

Learning Objectives

Why parliament and the media need each other

After studying this unit you should be able to:

- Detail the contribution both parliament and the media make to democratic governance;
- Understand what constitutes a strong professional relationship between parliament and the media;
- Point to constructive ways that parliament can build trust, and, in turn, foster a good working relationship, by assisting the media in the performance of their function;
- Identify when the parliament or the media have become either too adversarial or too close to each other, thereby jeopardizing the relationship.

Introduction and Overview

Why is it important for parliament and the media to work well together? What might happen if they don't or if they work too closely together? The purpose of this module is to highlight the importance of a good working relationship between parliamentarians and journalists. The key to these parties fulfilling their duties to their respective constituencies is to build a strong professional relationship based on mutual respect and recognition –both are essential actors in a working democracy. If the relationship between them is either adversarial or too close, parliament and the media run the risk of undermining the public's 'right to know' and hampering the development of an informed society.

Why Media is Good for Governance

The media is one of the most important actors involved in helping the public enjoy its 'right to know.' Along with parliament, the media shares a responsibility to contribute to political, economic and social development in ways consistent with democratic principles by pursuing fact-based, fully substantiated reporting. Ultimately, economic development is best achieved and sustained in societies that are democratic and well informed.

Box 2: Organizations Protecting Freedom of the Press

Article 19
Center for Media Freedom and Responsibility
Committee to Protect Journalists
Freedom House
Human Rights Watch
Index on Censorship
Inter-American Press Association
Intl. Fed. of Liberty Assns and Institutions
International Federation of Journalists
International PEN
International Press Institute
Journalistes en Danger
Media, Entertainment and Arts Alliance
The Media Institute
Reporters without Borders
World Association of Newspapers.

Parliament should do all it can to protect a free and independent media, as the presence of the media is vital for a functioning democracy and good governance. For this reason parliament should work to establish a culture, if necessary through legislation, which protects the media. Parliament should facilitate the media's operation by ensuring freedom of expression, the right to information and freedom of the press. Parliamentarians should participate in debates regarding how to

achieve a balance between freedom of speech and standards of responsibility, decency and quality, but if there is any uncertainty as to whether a limitation on these freedoms are necessary, parliament should opt in favor of greater freedom for the media, since without media there is a greater division of power between elected officials and their constituents.

A Strong Professional Relationship

A good working relationship between parliamentarians and journalists is essential if both are to fulfill their duties. The key is to build a strong professional relationship between both groups that is based on mutual respect and recognition that both are essential

actors in a working democracy. Parliament and parliamentarians, as representatives of the people, possess ultimate legitimacy. However, it is the media that assists the community in deciding whether to support a candidate in the first place and whether to renew their representative's mandate at the following election. The media assists the community with their decision about whether to give their continued support to parliamentarians by providing the public with information about the actions and opinions of parliamentarians.

The community does not benefit from an adversarial relationship between parliamentarians and the press gallery. If the parliamentarians and the press are antagonistic towards each other parliamentarians may be less willing to disclose relevant information, and journalists' reports on parliament may be tainted. Both these outcomes do not help the free flow of accurate information. However, parliamentarians need to recognize that one of the purposes of the media in a democracy is to keep parliament accountable and should not confuse reporting tainted by an adversarial relationship with the media providing alternate opinions on issues that are sometimes critical of parliament and parliamentarians. On the flip side, parliamentarians and the press should not become *too* close either. When this occurs, journalists may become less willing to be critical of government, thereby undermining the important contribution they make to democratic governance and the flow of information.

One way in which parliament can build a strong professional relationship with the media is by involving the media, and through them the public, in policy deliberations. Likewise, parliament should assist society in participating in its deliberations by opening up the decision-making process and enabling the media to report on its business. The media also provides a conduit through which public opinion is communicated to members of parliament. This creates a two-way flow of information. Parliamentarians should recognize this as valuable. Fair and accurate reporting is a channel for public feedback that assists them to legislate and scrutinize government performance. Therefore, political leaders must not seek to stifle the airing of opposition views and should, rather, pay attention to diverse opinions as expressed through the media.

In addition, both the parliament and media should do all they can to inform citizens about parliamentary activities and the role of parliament so as to help empower the public. It is essential that parliament build a strong professional relationship with the media so that both parliament and the media do all they can to inform citizens about parliamentary activities; this is beneficial to both the parliament and the community.

Building a Relationship Based on Respect

If parliamentarians want to overcome any mistrust that may exist between the community and their elected representatives, the first step is to build trust between parliamentarians and those who convey their actions and opinions to the public. Both sides have a responsibility to overcome any mistrust that might exist. Parliament and the media should respect the other's role in serving the community so that people in turn respect both the media and parliament as providers of accurate information and informed opinion.

The press gallery must also realize that trying to trick politicians in order to get news stories makes parliamentarians suspicious; meanwhile, parliamentarians must accept that criticism and a degree of cynicism are part of the media's duty to the public. A strong professional relationship also requires the media to provide balanced coverage of public policy debates without trivializing or denigrating the parliamentary and governmental decision-making processes. Journalists need to understand the issues crucial to all segments of the population and play their part in informing the public about the challenges facing society.

In recognition of the important role the media plays in a democracy and facilitating community involvement in debates relating to the business of parliament, it is traditional for parliaments to provide media with access to the institution and to parliamentary processes, and to report on them. In order to facilitate this, parliament, grants certain facilities to the press gallery to assist them perform their function. Furthermore, parliament should encourage investment in all forms of independent media and the

media, where appropriate, should pool their often-limited resources instead of their journalists in order to improve the coverage of parliament and other institutions. Parliamentarians, journalists and the public should have access to a variety of print, broadcast and Internet-based media to end reliance on government information or party-run information sources, which do not have the independence required to fulfill the media's accountability function.

Unit 2 Questions

Please answer each of the following questions. If you are taking this course in a group you may then meet to discuss your answers.

1. Despite the presence of bias in some media reporting, the media nevertheless plays a pivotal role in a working democracy. What role do the media play in democratic governance?
2. What is it to have a strong professional relationship between parliament and the media?
3. Drawing on the commentary and readings, what can parliament do and refrain from doing to help build the environment and trust needed to strengthen the relationship?
4. Why should parliament seek to avoid building a relationship with the media that is adversarial or too close?

Select Bibliography

McManus, J. "Local TV News: Not a Pretty Picture" *Columbia Journalism Review*, May 1990, 29:1 42-43.

Pitts, G. "Democracy and Press Freedom in Zambia: Attitudes of Members of Parliament Toward Media and Media Regulation," *Communication Law and Policy* Vol.5, 2000: pp269-294

Oyeleye, A. "The Mediation of Politicians and the Political Process in Nigeria," *Parliamentary Affairs* Vol.57 No.1, 2004: pp.157-68 [In particular 160-165]

Internet Resources

Alexandrova, P. *Transitions Online: "Hooligan" Media Say Bulgaria's King Simeon is Spanish* (17-23 June 2003) http://www.ciaonet.org/pbei/tol/tol_2003/jun17-23_g.html

Tajikistan: Government Threatens to Close Outspoken Papers (14 January 2004)

Eurasianet.org

http://www.eurasianet.org/departments/rights/articles/eav011404_pr.shtml

Unit 3: Constraints and Obstacles to Building a Professional Relationship

Learning Objectives Keeping it professional

After studying this unit you should be able to:

- Identify some of the constraints and obstacles that could hinder the development of a strong working relationship between parliament and the media;
- Outline strategies to overcome these obstacles.

Introduction and Overview

The purpose of this module is to examine what factors impact on the ability of either the media or parliamentarians to build a strong professional working relationship. Only by being aware of the constraints and obstacles to the relationship can parliament and the media seek to overcome them and forge the kind of professional working relationship necessary for an informed society.

Commentary

It is clear that a strong professional relationship between parliament and the media is essential if both parties are to fulfill their respective duties to their constituencies, in particular facilitating the public's ability to enjoy their 'right to know.' However, parliament and the media need to overcome certain obstacles if they are to build the strong professional relationship needed to achieve an informed society.

Improving Professional Behavior

In many countries the media have sought to keep their audiences by reducing their political coverage in order to cover less serious stories, for example gossip or witchcraft. When parliamentary reporting is downgraded, inadequately trained journalists and commentators are often assigned to cover parliamentary stories. Media agencies may also seek to pool parliamentary reporters, whereby more than one publication uses the same journalist to cover the same or different stories, to reduce the cost of covering parliament. It is the same 'overhead' cost of having a journalist on the ground, but shared between two or more publications. This arrangement is preferable where the publications are targeting different markets – for instance, regional/ provincial papers that would normally not have the resources to have a journalist in parliament to cover national parliamentary business could pool resources with papers from another province in order to have a correspondent cover parliament. Papers competing in the same market, such as two distinct national publications would not normally enter into such an arrangement because they are competing with one another and a pooled journalist is not good for news diversity.

The assignment of poorly trained journalists and pooling reporters is a concern for parliament, as parliamentary reporting requires specialized knowledge and the presence of reporters and commentators who are willing and able to build a strong professional relationship with parliamentarians. Parliamentarians also worry that pooling reporters can unfairly promote or destroy parliamentarians' careers; the smaller the parliamentary press gallery the greater the impact the biases or opinions of one reporter will have on the career of an individual parliamentarian.

Another constraint to building a professional relationship between the media and parliament is the concern by parliamentarians that factual reporting may be fused with opinion in a way that does not make it clear to the community where one aspect of reporting stops and the other starts. Parliamentarians are often concerned that journalists' opinions could be interpreted as factual reporting by the community. Meanwhile, the media often claim that the need to include opinion and comment into

factual reporting is due to a lack of factual material being made available to the media by parliamentarians. Just as it is important for newsmakers to clearly differentiate columns of news with opinion pieces, it is also vitally important for parliament to provide the media with the materials with which to report.

These concerns undermine the trust needed to build a strong working relationship. Ultimately though, these obstacles cannot be overcome through legislation; rather the relationship between the parties has to be based on trust that grows out of dealing with each other in a fair and responsible manner. Periodic abuses by individual parliamentarians and journalists of their freedoms and of their special positions in society, for instance by reporting spurious rumors about parliamentarians private lives, must not be used as reasons to curb the ability of the entire media or parliament to legitimately perform their roles. The freedoms accorded to parliamentarians and the media reflect the supremacy of the ultimate right of the public to be informed.

There are, however, a number of initiatives outlined in the **Cape Town Principles**, which parliament and the media can implement to overcome some of these concerns and improve the professional standards of parliamentarians and the media. These include:

- Ensuring media organizations retain more experienced reporters and assign those reporters to cover parliament;
- Encouraging journalists to report on public policy issues that are relevant to everyone and not just the economic elite;
- Providing journalists and parliamentarians with greater access to professional development programs to prepare them to participate more effectively in the democratic process;

- Delivering orientation courses for parliamentarians and journalists on parliamentary practices and procedures and providing adequate research support for parliamentarians;
- Ensuring that governments promote education systems that encourage the development of citizens who can understand and assess for themselves the policy issues debated in parliament and in the media;
- Parliamentarians conducting debates in a respectful and well-informed manner; and
- Establishing media's self-regulatory codes of professional conduct that commit them to pursuing fact-based, fully substantiated reporting and reinforcing the media's responsibility to inform the electorate of the conduct and performance of the representatives they have elected.

Independent Media

Another constraint on building a strong professional relationship between parliament and the media occurs when there is not an independent media. A strong professional relationship is dependent on, among other things, a media that has the independence to report objectively and, when called for, to criticize the actions of parliamentarians.

In many countries there are concerns that the media consists solely of state-owned broadcasters and publications. Similarly, in some countries there is a growing trend of media, newspapers in particular, which are operated by political parties and politicians. These developments are concerning as they undermine the independence of these media agencies, in particular the freedom of these agencies to report freely without fear of punishment or reprisal.

When media agencies are owned by governments, politicians, or political parties there should always be strong guarantees of editorial independence. Furthermore, parliament and parliamentarians should do what they can to encourage a diverse and independent media so that in the event that certain media agencies do not enjoy editorial independence there are other sources of information to which the community can turn.

Box 3:				
Press Freedoms by country				
<u>Not Free</u>				
Algeria	Chad	Iran	Qatar	Tunisia
Angola	China	Iraq	Russia	Turkmenistan
Azerbaijan	Congo (Kinshasa)	Kazakhstan	Rwanda	United Arab Emirates
Azerbaijan	Cote d'Ivoire	Laos	Saudi Arabia	Uzbekistan
Belarus	Cuba	Libya	Somalia	Vietnam
Bhutan	Egypt	Maldives	Sudan	Zimbabwe
Brunei	Equatorial Guinea	Nepal	Swaziland	
Burma	Eritrea	North Korea	Syria	
Cambodia	Guinea	Oman	Tajikistan	
Cameroon	Haiti	Pakistan	Togo	
<u>Partly Free</u>				
Afghanistan	Congo (Brazzaville)	Honduras	Moldova	Solomon Islands
Albania	Djibouti	Jordan	Morocco	Sri Lanka
Armenia	East Timor	Kenya	Mozambique	Tanzania
Bahrain	Ecuador	Kuwait	Nicaragua	Thailand
Bangladesh	Ethiopia	Kyrgyzstan	Niger	Tonga
Bolivia	Fiji	Lebanon	Nigeria	Turkey
Bosnia-Herzegovina	Gabon	Liberia	Papua New Guinea	Uganda
Burkina Faso	Gambia	Macedonia	Paraguay	Venezuela
Burundi	Georgia	Madagascar	Philippines	Yemen
Central African Republic	Guatemala	Malawi	Seychelles	Zambia
Colombia	Guinea-Bissau	Malaysia	Sierra Leone	
Comoros	Guyana	Mauritania	Singapore	
<u>Free</u>				
Andorra	Cyprus	Israel	Namibia	South Africa
Antigua & Barbuda	Czech Republic	Italy	Nauru	South Korea
Argentina	Denmark	Jamaica	Netherlands	Spain
Australia	Dominica	Japan	New Zealand	St. Kitts & Nevis
Austria	Dominican Republic	Kiribati	Norway	St. Lucia
Bahamas	El Salvador	Latvia	Palau	St. Vincent & Grenadines
Barbados	Estonia	Lesotho	Panama	Suriname
Belgium	Finland	Liechtenstein	Peru	Sweden
Belize	France	Lithuania	Poland	Switzerland
Benin	Germany	Luxembourg	Portugal	Taiwan
Botswana	Ghana	Mali	Romania	Trinidad & Tobago
Brazil	Greece	Malta	Samoa	Tuvalu
Bulgaria	Grenada	Marshall Islands	San Marino	Ukraine
Canada	Hungary	Mauritius	Sao Tome & Prin	United Kingdom
Cape Verde	Iceland	Mexico	Senegal	United States of America
Chile	India	Micronesia	Serbia & Monten	Uruguay
Costa Rica	Indonesia	Monaco	Slovakia	Vanuatu
Croatia	Ireland	Mongolia	Slovenia	

Parliamentary efforts to ensure media independence help build trust between parliament and the media. A truly independent media is essential for the community to enjoy their 'right to know.'

Self Regulation

The *Recommendations for an Informed Media* affirm that ultimately it is the responsibility of the media, not parliament, to set and supervise the media's highest professional and ethical standards. If there is to be regulation of the media it should be left to independent bodies that are:

- Possibly government funded, but which operate totally independently from the donor in the same way as the courts or electoral commissions are independent from government;
- Composed of strong and independently minded people of integrity and sensitivity who are committed to the duty of the media to inform the public accurately and responsibly; and
- Appointed through an independent and transparent process, which ensures that those selected are free of associations that might interfere with their ability to adjudicate fairly and impartially.

Furthermore, government or parliament should not seek to use its financial power, access to infrastructure or import and distribution restrictions on resources that the media need in order to influence the media. Finally, parliament should do all it can to repeal or reject any attempts to require the media to be registered or to acquire a license in order to operate, since that is against the nature of free-speech principles and requires greater government regulations and involvement in media coverage.

Unit 3 Questions

Please answer each of the following questions. If you are taking this course in a group you may then meet to discuss your answers.

1. What are the main obstacles parliamentarians and the media face when seeking to build a strong professional relationship?
2. List ways in which parliament is able to encourage the independence of the media, including state-run media?
3. Outline what a media council is and the role they can play in maintaining standards and independence in the absence of legislative restrictions?
4. What methods does your country have to provide a solid parliament and media relationship and thus a well-informed society?

Select Bibliography

Djankov, S. McLeish, C. Nenova, T. and Shleifer, A. "Chapter 8: Media Ownership and Prosperity" in Islam, R (ed.) *The Right to Tell: The Role of Mass Media in Economic Development*. World Bank Institute Development Studies; Washington DC, 2002: pp.141-66

Beales, I. *Imperfect Freedom: The Case for Self-Regulation in the Commonwealth Press*. Commonwealth Press Union; London, 2002: pp: 1-11; 35-37

Michnik, A & Rosen, J. "The Media and Democracy: A Dialogue" *Journal of Democracy* Vol.8 No.4 October, 1997: pp85-93

Bertrand, C. *Media Accountability Systems for the Mass Media*. Unpublished paper. World Bank Institute, 2001.

Unit 4: Making Parliament Newsworthy

Learning Objectives Who wants to hear about parliament?

After studying this unit you should be able to:

- Define the notion of newsworthiness;
- Outline what inhibits coverage of the parliamentary process and parliamentary business;
- Identify strategies to make parliamentary business and the parliamentary process more newsworthy.

Introduction and Overview

Have you ever read a news headline about government and decided it was not nearly interesting enough to warrant the time needed to complete the story? The purpose of this module is to examine how, having already established a good working relationship between parliament and the media, it is possible to make the parliamentary process and parliamentary business more newsworthy. Only if parliamentary business and the parliamentary process are newsworthy will the media be in a position to provide the extent of coverage parliament deserves.

What is Newsworthy in Parliament?

No matter how strong the working relationship between parliament and the media is it will not lead to a noticeable increase in the flow of information unless there is something newsworthy for the media to report. An event or issue becomes newsworthy when it is something that the community needs to know, should know or would be interested in learning. The newsworthiness of almost any piece of information is always debatable

and is dependent on what each individual thinks is important for the community to know. It has traditionally been up to the media to determine what is newsworthy. Further, the press should always be free to choose about what they report. This is the definition of an independent media. Parliaments should seek to protect and encourage the press' freedom to select which issues to cover.

Citizens have a right to know about the workings of parliament and the media should be committed to assisting citizens to enjoy their 'right to know' by providing coverage of parliament. However, the media are limited in what they are able to cover by what is newsworthy. In an attempt to make parliamentary business more newsworthy, parliament should provide the media with as much accurate and timely parliamentary information as possible along with ready access to parliament so that the media can determine for themselves what is newsworthy and, in turn, let the community know.

It is important for parliament to ensure that the parliamentary process is also part of any news coverage so as to help build respect in the community for parliament as a democratic institution. Parliamentarians can make the parliamentary process *more* newsworthy by addressing issues in parliament, and making sure ministerial announcements, whenever possible, are first made in parliament rather than directly to the media.

Parliamentary Access for Journalists

Representative of the media, as citizens, are entitled to reasonable access to parliament. However, the media are in a special position in that they are also representatives of all those citizens who are unable to attend parliament, but who wish to be informed about what occurs in parliament. Accordingly, the media act as citizens' eyes and ears to parliament. Taking into account the special representative role the media plays, parliament should provide the media with special access privileges not necessarily afforded to everyday citizens. Parliament can do this by providing special accreditation and access to journalists covering parliamentary business.

There are some practical limitations in providing special accreditation to journalists reporting on parliament, for instance the actual size of the press gallery and some administrative constraints. This means that there will normally need to be a selection process to determine which journalists are to be accredited. Parliaments should not use logistical constraints to limit the number of journalists accredited to the parliamentary press gallery, and exclude certain journalists or media agencies. For this reason, parliament may prefer to delegate the responsibility for accreditation to a press body such as a media council. Whichever system is implemented, the guidelines should reflect the right of the media to have access to parliament and its proceedings, and should not be unreasonably restrictive. In addition, journalists should always remember that parliament is a sovereign institution and that its right of access does not justify poor behavior or activity that breaches parliamentary privilege.

Opening Committees

The business of parliament is not only undertaken on the floor of parliament, but also in parliamentary committees. In order to advance a more participatory democracy, parliament should open all its processes to media coverage, including the work of parliamentary committees. Parliament should provide schedules of committee meetings to the media, and journalists should seek to provide coverage of this important parliamentary process. Media coverage of committees will better involve the public in parliamentary decision-making and prevent collusion in cases where committees are investigating wrongdoings.

When committees are not open to the public or the media, parliament must be prepared to deal with situations where journalists report on information that is leaked from people attending closed committee deliberations. The reporting of the information from closed committee deliberations may constitute contempt of parliament. However, parliaments should only take disciplinary action against journalists if what has been reported is false or incorrect.

Broadcasting Parliament

Building an informed society and encouraging an exchange of ideas is essential for good governance and development. Part of building an informed society includes informing the public about parliamentary proceedings; broadcasting parliament can convey more fully the substance and flavor of how parliament works. Broadcasting parliament can take many different forms, whether it is a simultaneous broadcast or edited footage that can be used by the media to report on parliamentary business. Whichever way, a picture tells a thousand words and will assist the media in providing coverage of newsworthy issues and legislation on which parliament is deliberating.

Facilitating the Flow of Information

In light of the importance of the free flow of information, it is helpful for parliament to employ staff to assist parliamentarians in providing information to the media. To the extent that resources allow, parliament should have a press office and public affairs officers to assist them in carrying out this important function. Such an office and staff should be non-partisan and should represent the parliament as a whole, rather than a specific party.

Unit 4 Questions

Please answer each of the following questions. If you are taking this course in a group you may then meet to discuss your answers.

1. What is newsworthiness and who should determine what is newsworthy?
2. How can parliament increase coverage by helping make the parliamentary process and parliamentary business more newsworthy?
3. What are the pros and cons of broadcasting parliament?

Select Bibliography

Cook, Robin. "A Modern Parliament in a Modern Democracy" *Political-Quarterly* 2003 (1-3); 74:1; pp.76-82

Unit 5: Providing the Legal Framework

Learning Objectives Laws protecting the media

After studying this unit you should be able to:

- Explain why there is a growing trend away from strict regulation of the media;
- Outline the legislative framework recommended in the *Cape Town Principles*;
- Understand the reasons behind the broad application of parliamentary privilege in instances where media reports are accurate.

Introduction and Overview

How is the law related to the media? Why is the law important in media? The purpose of this unit is to examine the legal framework that is best suited to develop a free and independent media that is capable of helping citizens to enjoy their 'right to know' through building an informed society. Certain legislative mechanisms not only help promote a free media, but also assist in the free flow of information. The free flow of information provides for a greater exchange between the public and parliament, thereby helping parliament to be more responsive to the needs of the community. As such, an appropriate legislative framework not only helps the media operate, but also assists the media in stimulating discussion so that parliamentary decision-making can contribute to poverty alleviation and development.

Commentary

Increasingly, confident democratic governments and communities that believe in the strength of their institutions do not see the need for the media to be restrained by excessive regulation. It may seem strange, but it is part of the media's role to question government and criticize the way parliament conducts its business in order to provide accountability and assist parliament in adapting to the needs to the community. The strength of a democracy is reflected in the tolerance shown by those in power to criticism or alternate views. For parliament to seek to undermine the media or complain about criticism leveled against it is not a sign of a strong institution; instead parliament should heed the criticism leveled at it from an independent media to see whether the substance of the criticism can be applied when making future decisions. As such parliament should provide the legal framework and contribute to the development of an enabling environment that will ensure that a free media flourishes.

This trend away from strict regulation toward greater freedom has resulted in many countries reassessing the legislative environment in which the media operates, dispensing with outdated and archaic laws that were traditionally used to suppress an independent media and the free flow of information. Coupled with this has been a move to greater self-regulation of the media and the creation of media councils or similar institutions in lieu of legislative restrictions and regulation.

A Freer Legislative Environment

The *Cape Town Principles* suggest that in order for parliament, parliamentarians and the media to reach their potential for disseminating information to the people, as well as providing feedback from the people to the government, there should be a secure and supportive environment for the free flow of information. Such an environment would consist of the following legislative framework:

- Passing freedom of information legislation

- Resisting privacy legislation that could be used to suppress freedom of speech and freedom of the media;
- Applying full parliamentary privilege to all fair and accurate reports of parliamentary proceedings, including committees;
- Rejecting or repealing legislation to license media, journalists and the press;
- Repealing criminal defamation laws so that the media is no longer subjected to punitive controls that curb freedom of expression;
- Exercising caution in the passage of anti-terrorism legislation which may limit society's freedoms or make the state less accountable; and
- Rejecting or repealing laws that empower the state to censure or punish political opponents and the media for partisan reasons.

Laws provide the foundation for a free and independent media, but laws alone cannot guarantee a free media. A freer legislative environment must be coupled with an enabling environment and culture that respects the essence of what the laws are trying to achieve.

Offending Parliament and Parliamentary Privilege

Parliament should also respect the role of the media to criticize the performance of parliament. Therefore parliament should react to such criticism through its conduct, not by arguing with the media or resorting to contempt of parliament charges. In line with the CPA study group's *Recommendations for an Informed Democracy*, parliaments should repeal legislation, rescind standing orders and/or publicly abandon their traditional authority to punish the media and others for contempt of parliament or

offending the dignity of parliament simply by criticizing the institution or parliamentarians.

Contempt is an offence that occurs when an action obstructs or impedes parliament or one of its members from performing their duties. It is an offence that is broadly defined and should not be used to circumscribe the freedom of the press.

Parliamentary privilege protects parliamentarians and people who are invited to speak during committee deliberations from being sued for the remarks they made either on the floor of parliament or in committee. However, it is customary for that same protection to extend to the media when they report on what was said. The extension of privilege to the media means that the press is free to report what was said without fear of punishment. Parliament should exercise their discretion to extend parliamentary privilege to situations where the media accurately reports what was discussed, even when the information comes from a leak that provides details of what was discussed in closed committee sessions. Parliament should deal with the parliamentarian responsible for the leak rather than targeting the journalists who are the recipients of such information. Ultimately reducing the number of closed sessions would do away with the need to extend privilege in these circumstances. Irrespective, extending parliamentary privilege in all circumstances where the media engages in fair and accurate reporting of what is discussed in parliament reinforces parliament's respect for the community's 'right to know' and shows a willingness to facilitate the free flow of information in order to build an informed society.

Unit 5 Questions

Please answer each of the following questions. If you are taking this course in a group you may then meet to discuss your answers.

1. Why should there not be strict regulation of the media?
2. List the types of legislation parliament should pass and the types of legislation it should reject or repeal in order to encourage a free and independent media?
3. Aside from providing a freer legislative framework, what can parliament do in order to make the reporting of parliament and the parliamentary process freer for the media?

Select Bibliography

Krug, P. and Price, M. "Chapter 10: The Legal Environment for News Media" in Islam, R (ed.) *The Right to Tell: The Role of Mass Media in Economic Development*. World Bank Institute Development Studies; Washington DC, 2002: pp.187-206

Walden, R. "Chapter 11: Insult Laws" in Islam, R (ed.) *The Right to Tell: The Role of Mass Media in Economic Development*. World Bank Institute Development Studies; Washington DC, 2002: pp.207-24

The Enabling Environment for a Free and Independent Media: Contribution to Transparent and Accountable Governance, USAID, Office of Democracy & Governance, Bureau for Democracy, Conflict, and Humanitarian Assistance, Occasional Papers Series January 2002.

Recommendations for an Informed Democracy (Conclusions of a CPA Study Group on Parliament and the Media, held in partnership with the World Bank Institute and the Parliament of Western Australia, Perth, Western Australia, 17-21 February 2003).

Unit 6: General Principles of Access to Information

Learning Objectives Why the right to know matters

After studying this unit you should be able to:

- Define the concept of access to information;
- Understand the different terminology used in the debate;
- Appreciate that access to information is the practical implementation of the right to information.

Introduction and Overview

The purpose of this unit is to introduce participants to the notion of access to information and some of the themes canvassed in different pieces of access to information legislation around the world. In addition, initiatives parliament can undertake in order to become more open and transparent are outlined.

Definition of Access to Information

Access to Information is the notion that the public can obtain information in the possession of the state, and in some countries private entity information, for the purpose of being informed about the activities of the state. Invariably, there are some limitations on the public's ability to access certain types of documents and information; however, decision-makers should always presume disclosure and parliament should promote a culture of openness.

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

-Article 19 of the Universal Declaration of Human Rights

Right to Information compared to Access to Information

The right to information is a fundamental human right enshrined in Article 19 of the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights*, and is a component of the broader right to freedom of expression. Ultimately, the freedom of opinion and expression can only be realized when those who are meant to enjoy this right have access to the information they need in order to form opinions. An individual is only able to enjoy the right to information when they are free to access relevant information. As such, access to information is the practical implementation of the right to information.

The right to information is usually enshrined by governments in access to information or freedom of information legislation and regulations. The terms "access to information" and "freedom of information" are often used interchangeably to describe the same type of legislation. However, in this module the term "access to information" is used as it better describes what these pieces of legislation provide.

The first access to information legislation was enacted in Sweden in 1766 when the government passed the *Swedish Freedom of the Press Act*. Since then, over fifty countries around the world have enacted legislation to facilitate access to records for press research and reporting and dozens of countries have legislation pending. Access to information facilitates the public's 'right to know' and helps build an informed society.

Access to information legislation and regulations implemented in countries around the world address a number of similar thematic areas that are reflected in international declarations and recommendations from Study Groups, such as the *Conclusions of the*

CPA-WBI Study Group on Access to Information, held in partnership with the Parliament of Ghana, 5-9 July 2004. These thematic areas are:

- *Maximum Disclosure*

The purpose of access to information legislation is to provide the framework or process through which the public can access either general information or information pertaining specifically to the person seeking the information, which is held by public authorities. When deciding whether to release information to a person seeking access, decision-makers should always proceed from a presumption in favor of disclosure and parliament should promote a culture of openness in order to facilitate this presumption. A presumption in favor of disclosure is based on the public's 'right to know.'

- *Routine Publication*

The legislation should promote the regular publication and dissemination of key information and documents in a manner that is easily accessible to the public. The more information routinely published the less likely citizen will need to make an application to public authorities to access specific documents, thereby reducing the administrative burden.

- *Processes to Facilitate Access*

No citizen should have to state a reason for requesting public information. In order to facilitate the 'right to know' public authorities should be required to respond to a request for information within a set period of time. If the public authority refuses to release documents to a citizen they should provide reasons for their refusal.

- Costs

Citizens should only have to pay for the cost of reproducing the information and costs should not be so high as to deter people from accessing the information in the first place. Preferably costs should only be charged where there is a request for large amounts of documents or for complex requests. Personal information should be provided for a low cost or for free.

- Independent Administrative Body and Right of Review

Access to information legislation should include provision for the formation of an independent administrative body or for an already established administrative agency, which is independent, to take on responsibility for adequate implementation of the legislation. The administrative agency should also hear appeals from any refusal by a public authority to provide access to information. The independent administrative body should be adequately resourced and shielded from interference.

- Exceptions

Exceptions to the public's right to access information held by state authorities should be narrow and should only apply where the harm of disclosing the information is greater than the public interest in having the information disclosed. Legislation should identify categories of information to which access is guaranteed.

The content of access to information legislation will vary from country to country. However, the above thematic areas form the basis of any comprehensive legislation.

In addition to assisting in the passing of access to information legislation that meets the thematic standards above, parliament can work in other ways to help build an informed society through greater access to information. For instance parliamentarians should

play a leadership role in addressing the pervasive culture of secrecy that is present in many democratic institutions and public authorities. Parliament should lead by example and open up parliamentary business as much as possible, including through committee deliberations. Not only should parliamentarians be exemplars of openness, but they should also encourage all elected officials and those in charge of the public authorities to follow suit.

Furthermore, parliaments have a key role in providing oversight of access to information regimes and ensuring an informed society. Access to information legislation should be reviewed regularly to ensure that it is meeting its objective of facilitating the public's right to know. In order to ensure the smooth operation of an access to information regime, all public authorities should table an annual report in parliament outlining their activities in relation to fulfilling the objectives of the access to information legislation. Furthermore, parliament, in its oversight capacity, should hold ministers to account for any failures or delays with respect to implementing the access to information regime.

Parliament, by embracing a twofold strategy of facilitating the passage of well drafted access to information legislation and then showing leadership by making parliament more open, can make a large contribution to building an informed society based on the right to know.

Unit 6 Questions

Please answer each of the following questions. If you are taking this course in a group you may then meet to discuss your answers.

1. How does the concept of Access to Information differ to what you thought it was prior to undertaking this unit?
2. What is the right to information and how does it differ to access to information?
3. If access to information legislation has been passed or is pending in your country, examine your legislation and identify how the legislation addresses the thematic areas noted in the commentary and in the reading?
4. If access to information legislation has not been passed or is not pending in your country, outline how the thematic areas could be addressed in potential legislation for your country – for instance what exceptions to disclosure would be acceptable in your country and why?

Select Bibliography

Banisar, D. *Freedom of Information and Access to Government Record Laws Around the World*. Freedominfo.org Global Survey, 2004

Blanton, T. "The Word's Right to Know." *Foreign Policy*, July/ August No.131, 2002: pp.50-58

Commonwealth Freedom of Information Principles 1999. Agreed by the 11th Commonwealth Law Ministers Meeting, Trinidad and Tobago 1999

The Johannesburg Principles 1995

Internet Resources

Mendel, T. *The Public's Right to Know: Principles on Freedom on Information Legislation*. Article 19; London, 1999 (available at <http://www.article19.org/docimages/512.htm>)

Recommendations for Transparent Governance 2004. Conclusions of CPA-WBI Study Group on Access to Information, held in partnership with the Parliament of Ghana, Accra, Ghana, 5-9 July 2004 (available at www.cpahq.org)

Glossary

Cape Town Principles: A set of principles to guide societies to develop fully informed democracies. This was proposed by the Commonwealth Parliamentarians and the media professionals meeting in Cape Town, South Africa.

Freedom of Expression: The right of people to express their opinions publicly without governmental interference.

Free press: A press that is not restricted or controlled by government censorship regarding politics or ideology.

Right to information: Policies protecting the right to inspect works, documents, records; take notes, extracts or certified copies of documents or records; or take certified samples of material.

Right to know: Laws or policies that make certain government data and records are available to any individual who has a right or need to know their contents.